

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

United States District Court
Southern District of Texas

ENTERED

October 17, 2016

David J. Bradley, Clerk

BLAKE KNISS,

Plaintiff,

v.

PHOENIX TECHNOLOGY SERVICES
USA, INC.,

Defendant.

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CIVIL ACTION NO. H-16-1138

ORDER

The parties have filed an agreed protective order. (Docket Entry No. 13). The order must be revised to include a provision stating that if materials designated as confidential are filed with the court in connection with a motion, hearing, or trial, the party seeking to maintain them under seal must make a good-cause showing. That showing is not met simply by showing that a party designated the documents as confidential when they were exchanged in discovery. The provision must state that when documents designated as confidential are filed with the court, they may initially be filed under seal but will not be maintained under seal unless the party designating them as confidential files a motion to do so. That motion must be filed 7 days after the filing, must show good cause for sealing the documents, and must state whether the opposing party contests filing the documents under seal.

The proposed order must also include a provision under Rule 502(d) of the Federal Rules of Evidence stating that production in this litigation does not waive attorney-client privilege or work-product protection, a broader protection than the parties have provided.

The parties may file a revised protective order no later than November 11, 2016.

SIGNED on October 17, 2016, at Houston, Texas.



Lee H. Rosenthal
United States District Judge